

ESTTA Tracking number: **ESTTA101165**

Filing date: **09/26/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92046185
Party	Defendant PRO FOOTBALL, INC. PRO FOOTBALL, INC. 21300 Redskin Park Drive Ashburn, VA 22011
Correspondence Address	PRO FOOTBALL, INC. 21300 Redskin Park Drive Ashburn, VA 20147
Submission	Answer
Filer's Name	Lori E. Weiss
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Signature	/Lori E. Weiss/
Date	09/26/2006
Attachments	Blackhorse Answer.pdf (7 pages)(88186 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Registration No. 1,606,810 (REDSKINETTES)
Registered: July 17, 1990

In the matter of Registration No. 1,085,092 (REDSKINS)
Registered: February 7, 1978

In the matter of Registration No. 987,127 (THE REDSKINS & Design)
Registered: June 25, 1974

In the matter of Registration No. 986,668 (WASHINGTON REDSKINS & Design)
Registered: June 18, 1974

In the matter of Registration No. 978,824 (WASHINGTON REDSKINS)
Registered: February 12, 1974

In the matter of Registration No. 836,122 (THE REDSKINS - Stylized Letters)
Registered: September 26, 1967

AMANDA BLACKHORSE,
MARCUS BRIGGS,
PHILLIP GOVER,
SHQUANEBIN LONE-BENTLEY,
JILLIAN PAPPAN, AND
COURTNEY TSOTIGH

Cancellation No. 92/046,185

Petitioners,

v.

PRO-FOOTBALL, INC.

Registrant.

_____ /

ANSWER TO PETITION FOR CANCELLATION

Registrant Pro-Football, Inc., by and through its attorneys, Quinn Emanuel

Urquhart Oliver & Hedges LLP, as and for its Answer to the Petition for Cancellation, alleges as

follows:

1. Denies each and every allegation contained in paragraph 1, except admits that the term "REDSKIN" appears in each of the above-identified registered marks.
2. Denies each and every allegation contained in Paragraph 2.
3. Registrant avers that the WHEREFORE paragraph of the Petition for Cancellation does not contain any allegations that require a response. To the extent that the WHEREFORE paragraph is deemed to include allegations, Registrant denies them.

AFFIRMATIVE DEFENSES

First Affirmative Defense

4. The Petition for Cancellation fails to state a claim upon which relief can be granted.

Second Affirmative Defense

5. Petitioners lack standing to seek cancellation of Registrant's registered marks.

Third Affirmative Defense

6. The marks that are the subject of this cancellation petition have been registered for years and known to Petitioners. Cancellation of the registration of these extremely valuable marks at this late date would prejudice and cause great harm to Registrant by removing the statutory benefits of a federal registration conferred by the Congress in the Lanham Act. As a result, Petitioners' claims are barred by the doctrine of equitable estoppel.

Fourth Affirmative Defense

7. Petitioners' claims are barred by the doctrine of laches.

Fifth Affirmative Defense

8. Through long, substantial and widespread use, advertising and promotion in support thereof and media coverage, said marks have acquired a strong secondary meaning identifying the entertainment services provided by Registrant in the form of professional football games in the National Football League. Thus, the marks sought to be cancelled herein cannot reasonably be understood to refer to the Petitioners or to any of the groups or organizations to which they belong. The marks refer to the Washington Redskins football team, which is owned by Registrant, and thus cannot be interpreted as disparaging any of the Petitioners or as bringing them into contempt or disrepute.

Sixth Affirmative Defense

9. Upon information and belief, Petitioners have not been, are not, and will not be damaged by the continued registration of Registrant's registered marks.

Seventh Affirmative Defense

10. Upon information and belief, Petitioners have failed to specifically state and cannot specifically state any special damages by virtue of the acts complained of in the cancellation petition herein.

Eighth Affirmative Defense

11. Petitioners' claims under Section 14 of the Lanham Act, 15 U.S.C. § 1064, are barred because they are based upon Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), which abridges the Registrant's right to freedom of speech provided by the First Amendment to the United States Constitution. Registrant's registered marks are a form of speech protected by the First Amendment to the United States Constitution and thus cannot be regulated or cancelled merely because these Petitioners may find them objectionable.

Ninth Affirmative Defense

12. Petitioners' claims are barred because the statutory language of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), relied upon by Petitioners in connection with the cancellation petition herein under Section 14 of the Lanham Act, 15 U.S.C. § 1064, is unconstitutionally overbroad.

Tenth Affirmative Defense

13. Petitioners' claims are barred because the statutory language of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), relied upon by Petitioners in connection with the cancellation petition herein under Section § 14 of the Lanham Act, 15 U.S.C. § 1064, is unconstitutionally void for vagueness.

Eleventh Affirmative Defense

14. Petitioners' claims are barred because the passage of time from 1967 to the present violates Registrant's right to be heard at a meaningful time and in a meaningful manner

and thus deprives Registrant of its constitutional right to due process. The thirty-nine year delay significantly impedes Registrant's ability to adequately obtain information and evidence reflecting a substantial composite of the Native American population in 1967. It is prejudicial and fundamentally unfair to require Registrant to prove that the term "redskins," as used in Registrant's registered marks, was disparaging of Petitioners, or brought them into contempt or disrepute, on the date Registrant's mark was first registered on September 26, 1967.

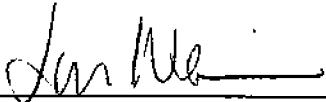
Twelfth Affirmative Defense

15. Petitioners' claims are barred because the cancellation of Registrant's registrations unreasonably deprives Registrant of a federally granted property right Registrant has relied on for almost four decades in violation of its due process rights. During the past thirty-nine years, Registrant has invested millions of dollars in the use, promotion, registration, and protection of its registered marks based on its reasonable belief that its property interests would have full protection under the law.

WHEREFORE, Registrant prays for a judgment dismissing the Petition for
Cancellation in its entirety.

Dated: New York, New York
September 26, 2006

Quinn Emanuel Urquhart Oliver & Hedges,
LLP

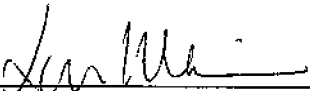
By: _____

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ATTORNEYS FOR REGISTRANT

CERTIFICATE OF SERVICE

I certify that on the 26th day of September, 2006, I caused a true copy of Registrant's Answer to Petition for Cancellation to be served on Petitioners' attorney, Philip J. Mause, Drinker Biddle & Reath LLP, 1500 K Street, N.W., Suite 1100, Washington, D.C. 20005-1209, via First Class mail.



Lori E. Weiss